

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND  
COMPOUNDING PHARMACY, INC.  
PRODUCTS LIABILITY LITIGATION )  
 ) MDL No. 2419  
 ) Dkt. No. 1:13-md-2419-RWZ  
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This Document Relates to: )  
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 )  
Keyes v. Specialty Surgery Center, et al., )  
Dkt. No. 1:13-cv-12998 )  
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**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS**

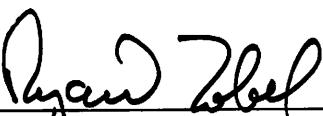
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On December 16, 2016, Specialty Surgery Center, PLLC ("SSC") moved to dismiss the Plaintiff's complaint, *with prejudice* for failure to comply with Tenn. Code Ann. § 29-26-122. [Doc. 21].<sup>1</sup> SSC argues that this case should be treated like eight (8) cases against SSC already dismissed by this Court at Doc. 3188<sup>2</sup>, termed the "Remaining Actions." The PSC filed a response to the motion to dismiss at Doc. 3281 incorporating by reference the PSC's prior briefing regarding the "Remaining Actions" (Docs. 3121, 3122, and 3168).

The Court agrees with SSC that this case fits into the category of cases termed the "Remaining Actions." Accordingly, this case is hereby dismissed *with prejudice* for the same reasons the Court dismissed the Remaining Actions at Doc. 3188.

DATE

February 8, 2017

  
RYA W. ZOBEL  
SENIOR UNITED STATES DISTRICT JUDGE

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<sup>1</sup> This is the document number in the individual Keyes docket, 1:13-cv-12998.

<sup>2</sup> This document number refers to the main NECC MDL docket, 1:13-md-2419.